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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,313	03/23/2007	Roger Braun	06-144	7894
34704 7590 11/09/2011 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510				
EXAMINER				
AMAKWE, TAMRA L				
ART UNIT		PAPER NUMBER		
1781				
MAIL DATE		DELIVERY MODE		
11/09/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,313

Applicant(s)

BRAUN, ROGER

Examiner

TAMRA L. AMAKWE

Art Unit

1781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,28-31,33-37,40-45,47-49 and 66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,28-31,33-37, 40-45, 47-49 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 09/06/2011
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/06/2011 has been entered.

The prior rejections are withdrawn due to the amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 28-31, 33-37, 40-45, 47-49, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,077,613 to Gaffigan..

Re claim: 20: Gaffigan teaches a wooden material floor panel (Abstract, 5:50-68) including a multiple surface coating applied at least on a front side. See surface coatings 70, 40, 10, and 20 FIG. 4 on the panel. Gaffigan teaches the coating comprising at least one layer of transparent plastic having a Shore hardness A from 20 up to 90

(see 4:1-10). The layer of transparent plastic is transparent while not explicit in Gaffigan, because the same materials are used and same Shore hardness, thus transparency is a property that is inherently expected also. Transparent plastic layer 20 is an internal, non-externally exposed layer. See FIG. 4.

Gaffigan doesn't teach wherein the at least one layer of transparent plastic borders on a layer of varnish or paint. However Gaffigan teaches pigment carbon black added to the polymeric layer 20 (see 4:50-55).

Gaffigan teaches the last layer o 20 borders woven or nonwoven layers 10 or 30. See FIG. 4 It is well known that woven or nonwoven films are decorated with a variety of paints, pigments, and varnishes in order to be aesthetically eye-catching , such a flooring would be suitable to whatever color a consumer desired and varnishes are well known to protect underlayers of wood.

Thus, it would have been obvious to one having ordinary skill in the art to have modified the bordering layers 10 or 30 and include a pigment or paint or varnish in order to be decorative and noticed. Adding the laminate of Gaffigan would reduce the noise from the machine as taught by Gaffigan in 3:1-50, 5:66. Carbon black is already taught in the thermoplastic layer, it would have been obvious to one having ordinary skill in the art to have modified the border surrounding layers for the same reason as done for layer 20-to impart properties; carbon black is a well known pigment for adding a dark color.

Re claim 28: Gaffigan teaches said at least one layer of plastic comprises at least one layer containing at least one thermoplastic material. See 4:1-50.

Re claim 29: Gaffigan teaches said at least one layer of plastic comprises at least one layer containing a mixture of plastics including at least one thermoplastic material. See 4:1-50.

Re claim 30: Gaffigan teaches one layer of polyolefin polyethylene and polyurethane. See 4:1-10, 5:1-35.

Re claim 31: Gaffigan teaches at least one layer of a transparent plastic is at least one of filled with a mineral or an organic filler or color. See polyethylene, carbon black, and magnesium silicate in 4:10-50, 4:50-55.

Re claims 33-37 and 66: Gaffigan doesn't teach the at least one layer of plastic has a thickness from 20 micrometers to 250 micrometers.

However, Gaffigan does teach thicknesses being relatively thin and made with an extruder where the backing layers achieve 0.009 inches, which is at least 228 microns. See 5:9-13 and 6:1-45.

It would have been obvious to one of ordinary skill in the art to produce a thickness as claimed, since it has been held that discovering an optimum value of a

result effective variable involves only routine skill in the art. See MPEP § 2144.05 II (B). The thickness affects the degree of noise reduction. One skilled in the art would recognize that a thinner thickness would produce a less expensive and light laminate and would have been obvious to result in the claimed thicknesses by changing the die in the extruder.

Re claim 40: Gaffigan teaches at least two layers of plastic have been applied onto the wooden material panel. See above 10, 20, and 30

Re claim 41: Gaffigan teaches at least one layer of plastic is applied onto a main surface of at least said front side of the wooden material panel. See 10 or 30 above.

Re claim 42: Gaffigan teaches at least two layers of plastic have been applied onto at least one main surface of the wooden material panel. See 10 or 30 above. However, the claim is not in the present tense – e.g. “have been applied”.

Re claim 43: Gaffigan teaches wherein between the at least two layers of plastic at least one layer of another material having a different Shore hardness A is provided. See 10 and 30, polyester or polyamide.

Re claim 44: Gaffigan teaches the at least one layer of plastic borders onto a layer of synthetic resin. See 5:15-68.

Re claim 45: Gaffigan doesn't teach the layer of synthetic resin is a varnish layer. However does teach nonwoven/woven of synthetic resin polyester or polyamide. See rationale above in claim 20 and further 5:15-68.

Re claim 47: Gaffigan teaches the at least one layer of plastic has been coated onto a layer of bonding agent. See bonding 40, FIG. 4. However, what has happened is past tense.

Re claim 48: Gaffigan teaches further comprising a layer of bonding agent applied onto the at least one layer of plastic. See bonding 40, FIG. 4.

Re claim 49: Gaffigan teaches the at least one layer of plastic is elastic (see polyamide-5:20-21) and naturally resumes its original shape after a mechanical load is removed which had resulted in a deformation. However, what has happened is past tense.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Gaffigan is now used to essentially teach the claimed invention. See rejection in detail above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMRA L. AMAKWE whose telephone number is (571)272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1781

TAMRA L. AMAKWE
Examiner
Art Unit 1781